IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

Bail Appl..No. 5206 of 2007()

CP.28/2007 of J.M.F.C.-II, CHERTHALA

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: PETITIONER/ACCUSED

VINOY, AGED 38 YEARS, S/O. VIJAYAN,
VELIYIL HOUSE, CHERTHALA SOUTH PANCHAYATH,
WARD NO.12, CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.K.RAMANATHAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
ARTHUNKAL POLICE STATION, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5206 of 2007

Dated this the 24th day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. Final report has already been filed. Cognizance has been taken by the learned Magistrate. The committal proceedings has been registered. The petitioner had moved for anticipatory bail earlier. Those applications were disposed of. The petitioner did not surrender before the learned Magistrate earlier and claim bail.

2. After cognizance was taken, the petitioner received summons to appear in the committal proceedings. He accordingly appeared before the learned Magistrate. The learned Magistrate rejected the petitioner's application for regular bail. The learned Sessions Judge also did not grant bail to the petitioner. The petitioner consequently continues in custody from 30.07.07.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner, who is under detention in a pending case now, can be enlarged on bail subject to appropriate conditions.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.75,000/- (Rupees Seventy five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-